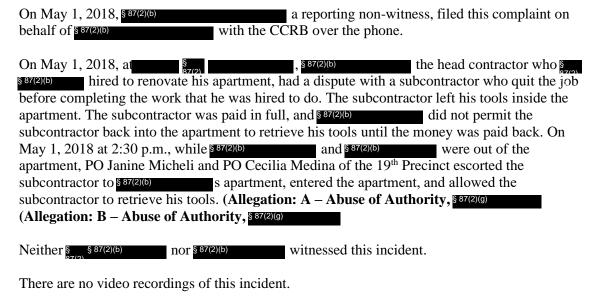
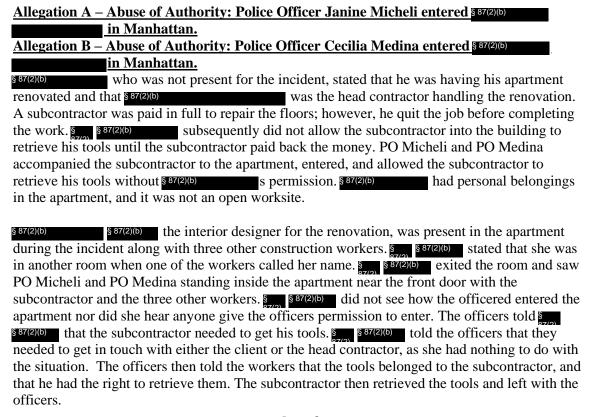
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.		
Thomas Juliano		Squad #11	201803390		Abuse		O.L.	☐ Injury		
Incident Date(s)		Location of Incident:		Pr	recinct:	181	Mo. SOL	EO SOL		
Tuesday, 05/01/2018 2:30 PM		§ 87(2)(b)			19	11	/1/2019	11/1/2019		
Date/Time CV Reported		CV Reported At: How CV Reported			Date/Time	₹B				
Tue, 05/01/2018 2:55 PM		CCRB	Phone			Tue, 05/01/2018 2:55 PM				
Complainant/Victim	Type	Home Addr	ress						7	
Witness(es)		Home Addr	ress							
Subject Officer(s)	Shield	TaxID	Command						Ī	
1. POF Janine Micheli	10863	929755	019 PCT							
2. POF Cecilia Medina	24756	927191	019 PCT							
Officer(s)	Allegatio	on .			Inve	estiga	tor Recon	nmendation		
A.POF Janine Micheli	Abuse: Police Officer Janine Micheli entered \$87(2)(b) in Manhattan.									
B.POF Cecilia Medina	Abuse: Police Officer Cecilia Medina entered \$87(2)(b) \$87(2)(b) in Manhattan.									

Case Summary



Findings and Recommendations



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CCRB Case # 201803390

Despite extensive efforts to obtain the names or contact information of the construction workers who witnessed the incident, the investigation was ultimately unable to reach them. (**Board Review 05**)

PO Medina stated that upon knocking on the door, a woman, identified by the investigation as answered the door and stated that she was either the project manager or the designer. PO Medina told stated that the subcontractor needed to get his tools and stated that she did not have a problem with the subcontractor retrieving his tools and gave the subcontractor and the officer's permission to enter the apartment. Neither PO Medina nor PO Micheli made any attempt to contact the owner of the apartment before entering.

PO Micheli's statement was consistent with PO Medina's.

The role of a uniformed member of service when called to the scene of a civil process situation is to preserve the peace and prevent the commission of a crime. The execution of a warrant of eviction is the sole responsibility of the city marshal/sheriff. <u>Patrol Guide Procedure 214-13</u>. (**Board Review 06**)

According to <u>United States v. Matlock</u>, 415 U.S. 164 (1974); a third party has the authority to consent to a search when they have mutual use of a property, joint access, and control for most purposes (**Board Review 07**). According to <u>United States v. Garcia</u>, 690 F.3d 860 (2012), an employee having access to a dwelling is not enough to establish authority to consent to a search. An employee, such as a babysitter or hotel staff, has authority over a residence that is limited and specific, and they are not authorized to compromise the resident's privacy beyond what they have to do to perform their authorized tasks. (**Board Review 08**)



Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which \$87(2)(b) and \$87(2)(b) have been a party. (Board Review 01)
- PO Micheli has been a member-of-service for 16 years. PO Micheli has only one additional CCRB complaint in which an allegation of Abuse-Refusal to process civilian complaint was substantiated. PO Micheli received command level instructions.

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CCRB Case # 201803390

• PO Medina has been a member of service for 17 years. PO Medina has only one additional CCRB complaint in which an allegation of Abuse-Vehicle stop was substantiated. PO Medina received command discipline A.

Print Title & Name

Date

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CCRB Case # 201803390

Squad Leader: _

Signature